

ENTERED

May 20, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HENRY THIGPEN, <i>et al</i> ,	§	CIVIL ACTION NO.
Plaintiffs,	§	4:19-cv-02773
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
GEO REENTRY INC,	§	
<i>et al</i> ,	§	
Defendants.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Before the Court is the Memorandum and Recommendation signed by the Magistrate Judge on February 12, 2020. Dkt 54. She there resolved two motions brought by Plaintiffs. One was to modify the time limit for service. Dkt 39. The other was to reconsider a prior order on remand. Dkt 40. The Magistrate Judge granted in part and denied in part the motion to modify the time limit for service. And she granted the motion to reconsider and recommended remanding this case to state court. Dkt 54 at 16.

Defendants in response filed an expedited motion to stay the relief ordered by the Magistrate Judge. Dkt 55. That motion was denied with instruction to file any objections in accordance with Rule 72 of the Federal Rules of Civil Procedure. Dkt 59.

Defendants then filed timely objections to the Memorandum and Recommendation. Dkt 64. They make three primary arguments—first, that Plaintiffs' proposed claims against Defendant Santana Anderson are barred by the statute of limitations because they do not relate back under Rule 15(c); second, that joinder is improper because the claims are futile; and third, that the *Hensgens* factors prohibit amendment.

A district court reviews *de novo* any conclusions by a magistrate judge to which a party has specifically objected. See 28 USC § 636(b)(1)(C); *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989). The court may accept any other portions to which there is no objection if no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1420 (5th Cir 1996); see also FRCP 72(b) Advisory Comm Note (1983).

The Court has reviewed the pleadings, the record, and the applicable law. The Court has also reviewed *de novo* the specific objections of Defendants to the recommendation of the Magistrate Judge.

The Court finds that the objections do not overcome the detailed reasoning of the Memorandum and Opinion. The Court finds no other clear error.

The Memorandum and Recommendation is ADOPTED as the Memorandum and Order of this Court. Dkt 54.


The objections by Defendants are OVERRULED. Dkt 64.

This case is REMANDED to the 269th Judicial District Court of Harris County, Texas.

The clerk is ORDERED to provide a copy of this Order to the District Clerk for Harris County, Texas.

SO ORDERED.

Signed on May 20, 2020, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge